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PARSONS HSUE & DE RUNTZ LLP

655 MONTGOMERY STREET, SUITE 1800 ♦ SAN FRANCISCO, CALIFORNIA 94111

Telephone: (415) 318-1160 ♦ Fax: (415) 693-0194

September 24, 2003

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant(s): Harari et al.
Assignee: SanDisk Corporation
Title: Flash EEPROM System
Application No.: 10/000,155
Examiner: Mai, Son Luu
Docket No.: SNDK.A06US8

Filing Date: 10/30/01
Group Art Unit: 2818
Conf. No.: 8242

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter (in duplicate – 1 page); and
- (3) Response (10 pages);

- ☒ No additional fee is required.
☐ The fee has been calculated as shown below:

CLAIMS AS AMENDED

	Claims Remaining <u>After Amendment</u>		Highest No. Previously <u>Paid For</u>		Present <u>Extra</u>	<u>Rate</u>	Additional <u>Fee</u>	
Total Claims	35	Minus	35	=	0	x \$18.00	\$	0.00
Independent Claims	7	Minus	7	=	0	x \$84.00	\$	0.00
<input type="checkbox"/>	Fee of _____ for the first filing of one or more multiple dependent claims per application						\$	
<input type="checkbox"/>	Fee for Petition for Extension of Time						\$	

Total additional fee for this Amendment:

\$ 0.00

- ☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.
- ☒ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502664.

Total: \$ 0.00**Certificate of Mailing Under 37 CFR 1.8**

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Signature

Respectfully submitted,

Michael G. Cleveland
Michael G. Cleveland
Patent Agent
Reg. No. 46,030

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eliyahou Harari et al.
Assignee: SanDisk Corporation
Title: FLASH EEPROM SYSTEM
Serial No.: 10/000,155 Conf. No.: 8242
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Gailen Borne
Signature

COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

These comments are responsive to the Official Action mailed on July 30, 2003. The Office Action rejected claims 63-97 under 35 U.S.C. 112, first paragraph. More specifically, the Office Action states that, with respect to independent claims 63, 82, 85, 87, 89, 91 and 96, the specification lacks support for "a memory array comprising a plurality of ... address cells". This rejection is respectfully submitted to be in error.

The exemplary embodiment of the application is a Flash EEprom memory organized into sectors, where a typical sector is organized into a data portion and a spare or shadow portion containing a defect map array. This is shown in Figure 5, which is described in the application mainly between page 16, line 23, and page 17, line 25:

Figure 5 illustrates the memory architecture for the cell remapping scheme. As described before, *the Flash EEprom memory is organized into sectors The memory architecture has a typical sector 401 organized into a data portion 403 and a spare (or shadow) portion 405. The data portion 403 is memory space available to the user. The spare portion 405 is further organized*

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into ... a defect map area 409... . These areas contain information that could be used by the controller to handle the defects and other overhead information such as headers and ECC.

...The addresses of the defective cell ... are stored ... in the defect map 409.

...

As the added emphasis shows, this describes a memory array comprising a plurality of groups (the sectors 401) of data cells storing data (data portion 403) and address cells storing addresses (defect map area 409).

This is the same as the first element of claim 63:

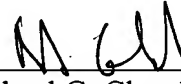
a memory array comprising a plurality of groups of data cells and address cells, said cells in each of said groups of data cells and address cells respectively storing data and addresses

with similar language in the other independent claims. Consequently, it is respectfully submitted that the rejection of claims 63-97 under 35 U.S.C. 112, first paragraph, is not well founded and should be withdrawn.

Also, it is respectfully noted that there seems to be some confusion in both the current and the previous Office Actions for this application: the last Office Action gave a rejection under 35 U.S.C. 112, first paragraph, based on a lack of support for a controller, but there is no controller in the claims. The present Office Action again refers to support found in Kiriata et al., U.S. Patent 6,141,267, for the "a memory array comprising a plurality of ... address cells". The relevant question is whether the present application supports the claims *as written*, not whether Kiriata has support---or what that support is---for the claims. It is also improper to require the present application to provide support for elements found in Kiriata that are not contained within the claims. The appropriate question is, again, whether the present application supports the pending claims as these claims are written. These other questions are irrelevant and only become so, if at all, as a subject in an interference should this be declared.

Therefore, it is respectfully submitted that the Office Action's rejection of claims 63-97 under 35 U.S.C. 112, first paragraph, is not well founded and should be withdrawn. Reconsideration of claims 63-97 and a prompt indication of their allowability are respectfully requested.

Respectfully submitted,



Michael G. Cleveland
Reg. No. 46,030

PARSONS HSUE & DE RUNTZ LLP
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160
(415) 693-0194 (Fax)